

**Saint Regis Mohawk Tribe
Land Acquisition and Sales Policy**

I. LAND PURCHASES

A. Purpose

The primary purpose of Tribal land acquisition is to regain, in current Reservation status or Reservation Trust status, all lands within the exterior boundaries of the Saint Regis Mohawk Indian Reservation as set aside by federal treaty in 1796; that every effort be made to expand the land base of the Saint Regis Mohawk Tribe (the "Tribe"); that such lands be under the exclusive jurisdiction and sovereign authority of the Saint Regis Mohawk Tribe; and that all lands under the jurisdiction and sovereign authority of the Tribe be managed in such a way that preserves and promotes the long term interest of the Saint Regis Mohawk Tribe. An additional purpose of Tribal land acquisition is to acquire lands that may be used for the collective benefit of all members of the St. Regis Mohawk Tribe.

All acquired lands shall be utilized for the mutual benefit of the Saint Regis Mohawk Tribe and its members.

B. Environmental Review

The environmental review process is a step-by-step process of gathering information concerning the possible impacts to the community and the environment. The process, if followed objectively and thoroughly, will reveal any problems that might be associated with a development and identify actions to eliminate or minimize potential problems. Further, Akwesasne is unique and consists of cultural resources that have survived countless efforts at elimination and they are deserving of our protection and care. Development can proceed and remain in harmony with the cultural values passed on to us by our ancestors, but it requires forethought and effort.

These same policies apply to the Tribe's acquisition of land, whether on or off the current Reservation. Therefore, in furtherance of these policies, a Phase I Environmental Assessment (EA) of the property to be purchased should be conducted. A Phase I EA is a thorough record search for indicia of any contamination or similar environmental issues. If such indicia exist, the Tribe shall proceed to a Phase II EA for the purpose of understanding how the existing conditions can be re-mediated and at approximately what cost. Upon the recommendation of the Environment Division, the Tribe may insist that remediation of any property to be purchased take place to the Environment Division's satisfaction prior to closing. The Saint Regis Mohawk Tribe Environment Division and Tribal Law should be the primary authorities to conduct the review, but the use of state and federal procedures may also be necessary.

C. Determination of Sale Price for Purchases

The Tribe should strive to obtain two appraisals for property to be purchased, whether such property is located . It is preferred but not required that one appraisal be provided by the Seller and one be provided by the Tribe as Buyer. In any case, the Tribe should at least obtain and review two separate and independent appraisals of the property to be purchased. Such appraisals should also take into consideration the type of property, whether commercial or residential, and whether the property is developed or undeveloped. This information may then be used to establish the sale price.

Further, in accordance with the Tribe's Native Preference Policy, the Tribe reserves the right to pay a maximum of 10% above the appraised value when the Seller is a member of the Tribe.

D. Determination of Sale Price for Reservation Purchases

The Tribe shall make its best effort to obtain an appraisal for the property to be purchased. The Tribe and the Seller shall negotiate the sale price in good faith. It is understood that the land market on the Reservation is unique and so sale prices may reflect this.

E. Clear Title Requirement

An abstract of title should be prepared, either on individual parcels if the acquisition is to be an assemblage or on the larger parcel. A title review should be conducted either by a competent title attorney or by a competent title insurance issuer to identify any issues affecting marketability of title. It shall be incumbent upon the Seller to provide good and marketable title for the property at issue.

F. Tribal Historic Preservation Office

The Tribal Historic Preservation Officer shall conduct a review of the parcel to be purchased, provide recommendations to Tribal Council based on his or her findings.

G. Closing Period

There should be a closing period of a sufficient length to ensure that all issues pertaining to the sale are resolved or mitigated to the satisfaction of the Tribe.

H. Notice

All Tribal members will be given notice of any Tribal purchases of land and will be given an opportunity to comment on the transaction prior to closing.

I. Recording of Deed

All deeds issued for Tribal purchases shall be recorded in the Tribal Clerk's office. If the property purchased is not part of the Reservation, it shall also be recorded in appropriate County Clerk's office.

II. LAND SALES

A. Persons to Whom Land Sales or Assignments can be made

All persons interested in purchasing land must make a written and dated request to the Tribal Council setting forth the name and address of the person interested in purchasing the land, sufficient information to show that the applicant meets all of the requirements set forth herein, and as accurate a description of the land as circumstances will permit.

All persons wishing to purchase land from the Tribe shall meet the following qualifications:

1. Be an enrolled member of the Tribe.
2. Be at least eighteen (18) years of age as of the date of sale.
3. Be legally competent to manage the land and his/her personal business affairs.
4. Except that if the property offered for sale is non-Reservation land, Tribal members will be granted the first option to purchase, if there are no Tribal

members interested, then, the property shall be offered for sale to any other person who might be interested.

All persons wishing to purchase land from the Tribe, whether on or off the reservation, shall agree to abide by the following:

1. Assigned premises shall not be used for unlawful purposes.
2. Shall not create a public nuisance, or allow conditions to exist which would endanger life or the property of another person.
3. Shall not commit the unauthorized destruction or damage to any land, resources, or any continuing public threat to health or safety.
4. Purchaser will comply with all applicable Tribal Laws and Regulations.

B. Sale Price

All sales of land by the Tribe shall be for the fair reservation market value of the property which shall take into consideration whether the land is commercial, residential, developed, undeveloped, or located on Route 37 or off Route 37.

C. Disclosure

The Tribe as Seller shall disclose the existence of any known environmental concerns.

D. Notice to Programs and Department

Prior to acceptance of an offer for purchase, the Tribe as Seller shall give notice to programs and departments to see if any of the them have a need for the property to be sold. If no program or department indicates a need for the property, then the sale can proceed.

E. Notice to Community

All Tribal members will be given notice of any Tribal sales of land and will be given an opportunity to comment on the transaction.

F. Issuance and Recording of Deed

All deeds issued for Tribal purchases shall be recorded in the Tribal Clerk's office. If the purchase is of property not currently part of the Reservation, it shall also be recorded in appropriate County Clerk's office.

III. TRIBAL COMMON LAND

A. Definition

Tribal Common Land shall be defined as any land held in the name of the St. Regis Mohawk Tribe, for the benefit of Tribal members, and not held in any one individual's, group of individuals', corporation's, or any other partnership's name, and which is not already designated by the Tribe for a specified purpose. This may include land that is part of the current reservation, as well as land that is held in fee located off the reservation, or land that is held in trust.

B. Sale or Disposition of Common Land

1. Common land may be sold to Tribal members in accordance with the Land Sale policy written above.

2. Tribal Council may allocate a portion of Common Land to a Tribal member in order to resolve a land dispute for which the Tribal Council or the Tribal Clerk's office had some direct responsibility.

3. Tribal Council may allocate a portion of Common Land to an individual Tribal member in case of an emergency, which must consist of a direct threat to that members health, safety or well-being, provided that the member has availed themselves of the Tribe's programs and services and that there is a recommendation from at least one of the Tribe's programs or agencies to so allocate the property.

4. Tribal Council may allocate a portion of Common Land to a Tribal non-profit organization whose purpose is to provide programs or services strictly on a not-for profit basis.

5. In any case of the allocation of Common Land, the Tribal Council must first provide notice to its programs and departments in accordance with III. D. of this Policy.

6. In any case of the allocation of Common Land, the allocation must be approved by a majority vote of the Tribal members present and voting at the next regularly scheduled Tribal meeting.